Chapter 90

VEHICLES FOR HIRE*

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*Charter reference—Authority to regulate vehicles operated for hire, § 1.03(p).
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Taxi Cab Operations

$50.00 Admin Fee
35.00 Per Can
.0005 X Gross Receipts

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ARTICLE I. IN GENERAL

Secs. 90-1—90-25. Reserved.

ARTICLE II. TAXICABS

DIVISION 1. GENERALLY

Sec. 90-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Taxi means any automobile used in the city for the purpose of carrying passengers for hire, excluding buses and rental cars.

(Code 1977, § 23-1)


Sec. 90-27. Compliance with article.

It shall be unlawful for any person to operate or cause to be operated any taxi within the city without first having complied with the provisions of this article. Compliance with the requirements of this article is made a condition precedent to the operation of a taxi or taxi business in the city and to driving a taxi in the city.

(Code 1977, § 23-2)

Sec. 90-28. Identification.

Every automobile or vehicle operated in the city as a taxi shall have:

(1) The word “TAXI” painted on each side and the rear thereof in letters of not less than four nor more than six inches in height.

(2) The number of the permit of the vehicle painted on each side and the rear thereof in letters of not less than two inches in height.

(3) Located therein, at a place visible to any passenger in such vehicle, the name and the permit number of the operator of such vehicle.

(Code 1977, § 23-3)

Sec. 90-29. Vehicle permit.

Each vehicle operated as a taxi shall be issued a permit number by the city clerk, and such permit number shall be displayed upon such vehicle as required by section 90-28.

(Code 1977, § 23-4)
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Secs. 90-30—90-50. Reserved.

DIVISION 2. LICENSE

Sec. 90-51. Required.

It shall be unlawful for the owner of any vehicle to operate, or cause to be operated, or permit to be operated, such vehicle as a taxi in the city unless and until there shall have been issued to such owner by the mayor and council a license providing for the operation of such vehicle as a taxi, and the payment of such license fee as is or shall be required.

(Code 1977, § 23-16)

Sec. 90-52. Application.

Before any taxi license shall be issued by the mayor and council, the owner of the vehicle shall file with the city clerk an application for such a license, such application stating the name of the owner, the age of the owner, a complete description of the vehicle, a list of the court convictions of the owner giving complete details, and the approval of such application by the marshal and city clerk.

(Code 1977, § 23-17)

Sec. 90-53. Duration.

A license to operate a taxi issued in accordance with the provisions of this division shall be valid for a period of one year or not later than March 1 of the calendar year next, whichever is earlier.

(Code 1977, § 23-18)

Sec. 90-54. Grant or refusal.

Upon consideration of an application for a license to operate a taxi, the mayor and council may grant or refuse the taxi license applied for in their discretion, the license to operate a taxi in the city being a privilege and not a right.

(Code 1977, § 23-19)

Sec. 90-55. Suspension, revocation.

Any license issued under the provisions of this division may be suspended or revoked by the mayor and council for the violation by the licensee of any applicable provision of this Code, state law or city ordinance, rule or regulation, with or without notice or hearing.

(Code 1977, § 23-20)

Secs. 90-56—90-75. Reserved.
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DIVISION 3. INSURANCE

Sec. 90-76. Amounts.

Any person making application for a taxi license shall, for each and every such vehicle to be operated as a taxi, have issued to him and maintained by him in a company duly licensed to operate and do business in the state a policy of indemnity insurance in the amount of at least $15,000.00 because of bodily injury to or death of one person in any one accident, and subject to such limit for one person, in the amount of $30,000.00 because of bodily injury to or death of two or more persons in any one accident, and in the amount of $10,000.00 because of injury to or destruction of property of others in any one accident. Such policy of indemnity insurance may cover all of the vehicles operated by the same owner.
(Code 1977, § 23-31)

Sec. 90-77. Approval.

The city clerk must approve each and every policy of indemnity insurance required by this division.
(Code 1977, § 23-32)

Sec. 90-78. Term.

Each policy of indemnity insurance required by this division shall be for and cover the term of the license applied for.
(Code 1977, § 23-33)

Sec. 90-79. Required endorsement.

Each policy of indemnity insurance required by this division shall have the following endorsement thereon.

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer hereby agrees to notify in writing the City Clerk of the City of Douglasville, Georgia, of any changes in the terms, conditions, or coverages in said policy, and that no endorsement changing or amending or modifying or canceling the coverages in said policy shall become effective unless and until said notice has been delivered to said City Clerk and the ten day period having expired. This policy of insurance covers any and all persons who now operate or may in the future operate the vehicle or vehicles described in the policy, provided such endorsement, when countersigned by a duly authorized agent or representative of the company, and attached to Policy No. ______, issued to ______, shall be valid and form a part of the policy.
(Code 1977, § 23-34)
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Sec. 90-80. Policy to be attached to application for license.

The insurance policy required in this division, together with the required endorsement thereon, shall be attached to the application of a taxi license.
(Code 1977, § 23-35)

Secs. 90-81–90-100. Reserved.

DIVISION 4. DRIVER'S PERMIT

Sec. 90-101. Required.

Before any person shall be entitled to drive any taxi in the city, he shall first obtain a taxi driver's permit. It shall be unlawful for any person to drive any taxi in the city without such a permit.
(Code 1977, § 23-47)

Sec. 90-102. Owner's responsibility.

No person who owns or controls a taxi shall permit it to be driven for hire in the city unless and until the driver of such taxi shall have first obtained and shall have then in force a taxi driver's permit issued under the provisions of this division.
(Code 1977, § 23-48)

Sec. 90-103. Qualifications of applicants.

Applicants for taxi drivers' permits shall not be less than 18 years of age; must have been a resident of the city for a period of at least six months next preceding the filing of such application; and shall be a sober and an able-bodied person of good character with no physical infirmities of any kind that would impair his driving skill or abilities.
(Code 1977, § 23-49)

Sec. 90-104. Application generally; fee.

(a) Each applicant for a taxi driver's permit shall submit an application in writing to the city clerk in a form approved by the city clerk, and shall attach to the application the fee prescribed by the city. Such application shall be made under oath and shall contain the following information:

1. The age of the applicant;
2. His address;
3. The length of time he has resided in the city;
4. His knowledge of the traffic laws and ordinances of the city and how such knowledge was obtained;

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(5) Whether he has any physical infirmities that would impair his driving skill or abilities; and

(6) Whether he has been convicted of a violation of any of the laws of this state or any other state or of the United States or ordinances of the city and if so, when, and of what offense, and the sentence of the court.

(b) It shall be unlawful to make any false statement in any such application.

(Code 1977, § 23-50)

Sec. 90-105. Investigation.

The chief of police shall cause to be conducted an investigation of each applicant for a taxi driver's permit. In making such investigation the chief of police may request the assistance of the city clerk and the city attorney and may request information from any local, state or federal agency which reasonably relates to the purpose of the investigation. Upon the completion of his investigation the chief of police shall report his findings together with his recommendation of approval or rejection to the director of public safety.

(Code 1977, § 23-51)

Sec. 90-106. Grant or refusal.

After receiving the applicant's application, the report of investigation by the police chief and any recommendations thereon, the director of public safety shall either grant or refuse the issuance of a taxi driver's permit to the applicant.

(Code 1977, § 23-52)

Sec. 90-107. Contents.

Each permit issued under the provisions of this division shall be a card bearing the name, age, height, photograph, weight, color of eyes and hair, and the address of the holder thereof.

(Code 1977, § 23-53)

Sec. 90-108. Display.

Each permit issued under the provisions of this division shall be displayed in a conspicuous place inside the taxi, visible to passengers, at all times while the holder thereof is driving or operating such taxi.

(Code 1977, § 23-54)

Sec. 90-109. Privilege; suspension, revocation.

(a) A permit to drive a taxi in the City of Douglasville is a privilege and may be suspended or revoked if deemed necessary for the protection of the user of this form of public transportation or for the protection of the health, safety and welfare of the public.

(b) Any taxi driver's permit issued by the city may be suspended by the director of public safety if the holder of such permit violates any applicable provisions of this Code, any state
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law, any traffic regulation, any city ordinance, any city rule or regulation pertaining to or applicable to the operation of taxis within the City of Douglasville, or if the permittee becomes physically, mentally or emotionally impaired to a degree that would endanger the safety and welfare of the taxi passenger or the users of the streets of the City of Douglasville.

(c) The director of public safety may suspend such permit without notice or hearing if he deems such is necessary to protect the public and/or the users of taxis from a real and present danger to their health, safety and welfare.

(d) Such suspension by the director of public safety without notice or hearing shall not exceed 45 days.

(e) A permittee whose permit has been suspended without notice or hearing may request that the director of public safety conduct a hearing and inquire into the facts of the suspension. The permittee shall have the right to appear and to offer evidence at said hearing. The director of public safety, after conducting such hearing, may:

(1) Remove the suspension;

(2) Continue the suspension, for a period of up to 45 days; or

(3) Continue the suspension and recommend to the mayor and city council of the City of Douglasville that the permit be revoked. If a referral with recommendation for revocation is made to the mayor and council then the permittee's permit shall be suspended until the mayor and council have acted upon such referral.

(f) The director of public safety may suspend the permit of any permittee if, after hearing, the director determines the permittee has violated any state or local law, city ordinance, provision of this Code, rule or regulation of the city affecting the operation of taxis within the city, disregarded the safety of taxi passengers or that the permittee is no longer able to safely operate a taxi within the city. Upon making such a determination the director of public safety may:

(1) Suspend the permit for a period of up to 90 days;

(2) Recommend to the mayor and city council of the City of Douglasville that the permit be revoked; or

(3) Suspend the permit and refer the permit to the mayor and council with the recommendation that it be revoked. If a permit is referred to the mayor and council for revocation then the permit shall be suspended until the mayor and council act thereon.

(g) The mayor and city council of the City of Douglasville may revoke any taxi driver's permit issued upon good cause shown after reasonable notice and opportunity for hearing has been afforded the permittee.

(Code 1977, § 23-55)

Seca. 90-110—80-135. Reserved.

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ARTICLE III. WRECKER SERVICES

Sec. 90-136. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved wrecker service means any wrecker service which submits a successful application under this article and which otherwise complies with the provisions hereof to qualify for the privilege of engagement by the police department for the removal or storage of vehicles.

Basic tow job includes furnishings of wrecker and all work necessary to properly hook up a damaged or undamaged vehicle and tow it to a storage area.

Damaged vehicle means any vehicle suffering such mechanical or structural damage to the extent that it cannot properly or safely be operated.

Passenger cars, light trucks and similar vehicles means any vehicle weighing up to 15,000 pounds of gross vehicle weight.

Police department means the police department, its officers, agents or employees.

Property owner means the owner of property, or his authorized representative, upon which a vehicle to be removed is located.

Response time means that the time the wrecker service arrives at the scene of the traffic infringement after a call is received from the police department to respond. This time should not exceed 30 minutes.

Undamaged vehicle means any vehicle which has no or only minor structural or mechanical damage and is capable of being safely and properly operated.

Vehicle owner means the owner of a vehicle or his authorized representative.

Wrecker means an automotive vehicle with hoisting apparatus and equipment for towing wrecked, disabled or abandoned automobiles or other vehicles. The term “wrecker” also includes any vehicle otherwise equipped and used for the purpose of towing wrecked, disabled or abandoned automobiles or other vehicles.

Wrecker service means any corporation, partnership or individual person, either as principal, agent or employee in the business of removing, towing and/or storing wrecked, disabled, or abandoned automobiles or other vehicles by the use of a wrecker and properly licensed by the state public service commission.

(Ord. No. O-91-23, § 24-105, 7-15-91)


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Sec. 90-137. Penalty for violation.

Violations of the provisions of this article shall be punishable by payment of fines not to exceed $500.00 or imprisonment up to 90 days, or both upon conviction of such violations in the Municipal Court.
(Ord. No. O-91-23, § 24-123, 7-15-91)

Sec. 90-138. Application for approval to operate wrecker service.

Each wrecker service desiring to respond to calls for wrecker services from the City of Douglasville shall make application to the police department. The application shall be submitted on a form provided by the City of Douglasville and shall be accompanied by a nonrefundable application fee of $50.00. Wrecker services on the approved wrecker service list for the City of Douglasville on July 15, 1991, must submit an application and meet the requirements of this article, however, the application fee shall be waived. No application shall be processed unless all required documents have been submitted. Such application shall include but not be limited to the following information:

1. Listing of name and address of the owner of the wrecker service. If held by a corporation list names and address of its officers and stockholders; if held by a partnership list names of partners; if held by a proprietorship list name and address of proprietor.

2. Complete list of towing equipment.

3. List of all personnel employed by wrecker service, including job description and training received.

4. A copy of valid state driver's license for any vehicle operator. Such license shall be for the appropriate classification to operate wrecker service equipment.

5. Certificate of insurance showing compliance with requirements contained in this article.

6. A copy of the fee schedule to be in effect for 12 months following application approval.

7. A copy of a current valid business license from the City of Douglasville and a permit from the public service commission, as well as evidence of legally operating a wrecker service in the City of Douglasville for 12 months preceding application.

8. Complete list of all addresses of vehicle storage sites.
(Ord. No. O-91-23, § 24-106, 7-15-91)

Sec. 90-139. State driver's license required.

Each employee of the wrecker service who will be operating any towing vehicle shall be required to have on file with the police department a valid state driver's license. Any wrecker service vehicle operator shall within 48 hours report to the police department the suspension or revocation such employee's license.
(Ord. No. O-91-23, § 24-107, 7-15-91)
Sec. 90-140. Denial of application.

The police chief shall have due cause to deny any application for the following reasons:

1. The application has remained incomplete for 30 days due to the failure of applicant to provide any paper or document required in the application or requested additional information.

2. The applicant has provided false information in the application.

3. The applicant during the preceding 12 months from the application date had a wrecker service business license held by such owner revoked for cause by the state or any political subdivision thereof; the business or owner of the business has been convicted by any court of competent jurisdiction of engaging in unfair business practices with respect to the operation of any wrecker service.

4. The applicant does not have adequate personnel or equipment to provide service.

5. The applicant does not have an impound facility as required in this article.

6. The applicant or any of its employees has a conviction of serious driving offenses as defined in O.C.G.A. §§ 40-6-391 through 40-6-395, or a suspended or revoked driver's license.


Sec. 90-141. Unapproved wrecker services to comply with article.

It shall be unlawful for any wrecker service, whether an approved wrecker service, or not, to respond to police department calls for wrecker assistance on the streets of the City of Douglasville without complying with the provisions of this article. In unusual or emergency situations if the on call wrecker service determines that it is in need of additional assistance from another wrecker service, the on call wrecker service may seek assistance from any wrecker service that has been approved by the City of Douglasville under the provision of this article.

(Ord. No. O-91-23, § 24-109, 7-15-91)

Sec. 90-142. Identification of all wreckers.

All wreckers which operate upon any of the streets of the city shall be clearly identified, in compliance with the state public service commission transportation rule 1-7-.02(d) and (e) as may be amended with the name and domicile of the wrecker service operating the wrecker.

(Ord. No. O-91-23, § 24-110, 7-15-91)

Sec. 90-143. Limitations upon proceeding to accident scene.

No wrecker shall go to any accident scene unless:

1. Called by the police department;

2. Called by the vehicle owner;

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(3) There exists an extreme emergency immediately endangering life or property; or

(4) Called by the property owner where vehicle located.
(Ord. No. O-91-23, § 24-111, 7-15-91)

Sec. 90-144. Prohibition against monitor running.

No wrecker service shall proceed to an accident scene by reason of any information received by monitoring police radio calls.
(Ord. No. O-91-23, § 24-112, 7-15-91)

Sec. 90-145. Use of due care.

(a) Wrecker services shall determine the method and manner of removing vehicles; provided, however, that they shall exercise due care in removal operations and shall follow the direction of the traffic officer directing the removal so as not to impede traffic or endanger the general public and property.

(b) The driver of each wrecker truck towing away any vehicle from the scene of a wreck shall also take away all parts belonging to the vehicle which is being towed away, or, if they consist of small parts or broken glass, driver shall clear the streets of said small parts and glass, unless the driver is ordered not to do so by the investigating police officer due to circumstances at the scene of the accident.
(Ord. No. O-91-23, § 24-113, 7-15-91)

Sec. 90-146. Information supplied to police department; notification to owner.

(a) Whenever any wrecked or abandoned vehicle is removed without the request, direction or participation of the police department, the wrecker service performing the removal shall, if the owner is unknown, within 72 hours of such removal, furnish to the police department the following information with respect to such vehicle: Tag number and description, including year, model, make, color, and vehicle identification number.

(b) Upon receipt of such information, the police department shall immediately take steps to ascertain the identity of the vehicle owner and notify him of the time and place of removal and of the present whereabouts of the vehicle.

(c) Nothing in this article shall relieve any wrecker service of any of the requirements imposed by virtue of O.C.G.A. § 40-11-1 et seq., or by virtue of any other law with respect to the duties, among others, to make diligent inquiries as to the ownership of vehicles and notification to owners.
(Ord. No. O-91-23, § 24-114, 7-15-91)

Sec. 90-147. Vehicle inventory; procedures.

Whenever any vehicle is removed by a wrecker service at the direction of a police officer, the police officer shall make a thorough inventory of all equipment, accessories, personal articles and other items either attached to or located within the vehicle. Such inventory shall
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be completed on a form supplied by the police department and signed by the officer in charge of the removal. Upon acceptance of the vehicle and prior to its removal, the agent or employee of the wrecker service performing the removal shall sign the inventory form. The officer shall retain the original and the wrecker service shall retain a copy.

(Ord. No. O-91-23, § 24-115, 7-15-91)

Sec. 90-148. Wrecker services to hold vehicles upon direction of police.

When specifically directed to do so by the police department, the wrecker service shall hold vehicles for evidence, confiscation or any other purposes permitted by law. Upon the written and signed authorization of the police department on a form prescribed by the police department, the wrecker services shall release any vehicle so held to the owner, his authorized representative or other person entitled by law to possession of the vehicle.

(Ord. No. O-91-23, § 24-116, 7-15-91)

Sec. 90-149. Police department calls to wrecker services; owner's choices of wrecker service.

(a) A vehicle owner in ordinary, nonemergency situations, may engage a private wrecker service of his choice to remove his vehicle. The responding officer shall advise the vehicle owner of his option to call the wrecker service of the owner's choice that is capable of responding in a reasonable amount of time.

(b) If the owner states no preference, the police officer shall call whichever wrecker service is on duty for that particular week in the rotation. Each approved wrecker service shall be on call for one week beginning at 7:00 a.m. Monday morning till the following Monday morning.

(c) Nothing contained in this article shall be construed to prohibit the police department from providing its own impoundment facility upon city property for the purpose of storing or holding vehicles for evidence, confiscation, or any other purpose permitted by law.

(Ord. No. O-91-23, § 24-117, 7-15-91)

Sec. 90-150. Requirements for approved wrecker service impound facilities.

(a) Each impound facility of the applying or approved wrecker service must be located within the county and within one mile of the city limits of Douglasville, Georgia, and shall be owned or leased by the applicant.

(b) The gate to the impound lot shall be locked and remain locked during the hours of darkness except to provide reasonable ingress and egress in connection with wrecker service operations.

(c) Each approved wrecker service shall submit an inventory every six months of all vehicles remaining in its possession whose owner has not been identified and notified. The inventory shall be completed on a form supplied or approved by the police department and submitted to the police department.
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(d) The requirements for the impound facility are as follows:

(1) Impoundment must be located on any properly zoned location within the county and one mile of the city limits of Douglasville, Georgia, and complying with all the respective city ordinances.

(2) Must have entire lot adequately illuminated during the hours of darkness to discourage and detect attempts at theft or vandalism.

(3) All fences must be of six feet chain link or wood, screened, barbed wire running at the top, with gates that can be securely locked.

(4) An attendant shall be available to release vehicles Monday through Saturday 9:00 a.m. to 6:00 p.m., within 30 minutes of a request for release of vehicle and be able to provide ingress and egress immediately.

(Ord. No. O-91-23, § 24-118, 7-15-91)

Sec. 90-151. Insurance required.

Approved wrecker services shall carry liability insurance policies in compliance with the requirements of the state public service commission for loss or damage occasioned by negligence or misfeasance on the part of the wrecker service, and name the city as an addition insured. Such policies shall also provide for full loss, theft or damage benefits payable to any vehicle or property owner suffering loss, theft or damage with respect to any vehicle or to equipment, accessories, personal articles or other items either attached to or located within a vehicle removed and/or stored while such vehicle is in the custody, control and possession of the wrecker service.

(Ord. No. O-91-23, § 24-119, 7-15-91)

Sec. 90-152. Response of wrecker service.

(a) When the wrecker service arrives on the scene, the investigating officer of the police department will make a notation to be included on the impound sheet as to his time of arrival, and will make a second notation of the time the wrecker service leaves the scene with the tow in charge. This time will be considered the official time for the time charged, if any, by the wrecker service. If the service should arrive before the police unit, the officer will ascertain its time of arrival by ascertaining the time from the wrecker service driver. The officer will then be responsible for noting the time the wrecker service departs from the scene.

(b) Should a mistake be made in good faith by the police department or the county communications department, in dispatching the wrong wrecker service, no charge can be made by the wrecker service for such response or the return to place of business.

(Ord. No. O-91-23, § 24-120, 7-15-91)
Sec. 90-153. Daily storage charge.

No approved wrecker service shall charge in excess of $10.00 per day for storage of a standard passenger vehicle under 15,000 pounds gross vehicle weight. No storage fee for a removed vehicle shall be charged for the first 12 hours of storage.
(Ord. No. O-91-23, § 24-121, 7-15-91)

Sec. 90-154. Revocation, suspension of wrecker service operation.

With 24 hours notice the chief of police may temporarily suspend the permit holder’s right to respond to calls from the City of Douglasville for the foregoing reasons, for repeated lesser violations of this article, or for any conduct by the wrecker service that threatens the public safety, property or interferes with the efficient operation of the police department. The permit holder shall be entitled to hearing before the mayor and city council upon written request for a hearing by the permit holder. The permit holder shall request such a hearing within ten calendar days of notification by chief of police. The mayor and council may revoke or suspend the permit holder’s right to respond to calls from the City of Douglasville. The permit holder shall be provided five days advance written notice of the hearing date by hand delivery or certified mail return receipt requested. The hearing before the mayor and council shall be held within 14 days of such written request by the permit holder.
(Ord. No. O-91-23, § 24-122, 7-15-91)

Sec. 90-155. Minimum equipment.

Each wrecker operation under the provisions of this article shall have the following minimum equipment:

(1) One small wrecker, truck rated at least one ton equipped with a wheel lift and a wench rated four tons or heavier.

(2) One large wrecker, truck rated at least five tons.

(3) Roll back rated one ton or heavier.
(Ord. No. O-91-23, 7-15-91)